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OFFICE OF THE MAYOR

William D. McLeod
MAYOR

October 29, 2004

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FCC - MAILROOM

Honorable Michael Powell, Chairman
Federal Communications Commission
445 12th Street SW
Washington D.C. 20554

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Re: Review of the Emergency Alert System, EB Docket No. 04-296

Dear Chairman Powell:

Municipalities need a means to alert their residents about local emergencies such as local severe weather conditions, unexpected road/bridge closings, local toxic waste spills, gas main leaks or water system problems. As a result, for decades municipalities have required local emergency alert systems in their cable franchises. The system allows municipalities to communicate directly with residents, without going through third parties and without alerting other communities. Such local alerts are not appropriate for, and are not carried by, the more recent regionally oriented current Federal Emergency Alert System, which may serve several counties. They are also used as a backup in case the Federal Emergency Alert System does not work. The FCC has strongly supported cable local emergency alert systems in the past against attempts to preempt them.

We are concerned that your current rulemaking on emergency alert systems does not acknowledge cable local emergency alert systems and seems inclined to preempt the systems, rather than expand them, despite the FCC's past support for them. You should not try to preempt the emergency alert systems because they are provided for in cable franchises, and Congress has not given the FCC the authority to preempt them. We are also concerned that the new federally governed national alert system proposed in the rulemaking does not take municipalities into account or their need to have direct, effective, immediate means for alerts targeted to their residents.

Please make sure that you do not preempt the local emergency alert systems provided for in cable franchises across the country. If you do create a new, federally governed national alert system, please make sure that it provides for participation by municipalities and allows them to send alerts directly (without the intervention of a third party) targeted to their residents in the event of a local emergency.

Sincerely,

William D. McLeod
Mayor

WDM/ds

cc: Commissioner Kathleen Q. Abernathy
Commissioner Kevin J. Martin
Commissioner Jonathan S. Adelstein
Secretary, Federal Communications Commission
Marilyn Mohrman-Gillis, Dir. of Policy and Federal Relations, National League of Cities
Elizabeth Beaty, Executive Director, NATOA

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